

DANIEL G. BOGDEN  
United States Attorney  
ALEXANDRA MICHAEL  
Assistant United States Attorney  
Lloyd D. George United States Courthouse  
333 Las Vegas Blvd. South, Ste. 5000  
Las Vegas, Nevada 89101  
(702) 388-6336 / Fax: (702) 388-6698

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA**

UNITED STATES OF AMERICA,	)	
	)	2:15-cr-00053-LRH-VCF-1
Plaintiff,	)	
	)	<b><u>STIPULATION TO CONTINUE</u></b>
vs.	)	<b><u>EVIDENTIARY HEARING</u></b>
	)	<b>(First Request)</b>
ROBERT BROWN,	)	
	)	
Defendant.	)	
	)	
	)	
	)	

IT IS HEREBY STIPULATED AND AGREED, by and between Daniel G. Bogden, United States Attorney, and Alexandra Michael, Assistant United States Attorney, counsel for the United States of America, and Rene L. Valladares, Federal Public Defender, and Rachel Korenblat, Assistant Federal Public Defender, counsel for defendant ROBERT BROWN, that the Evidentiary Hearing currently scheduled for September 2, 2015 at 10:00am be vacated and set to a time and date convenient to this Court. However, both parties agree that September 3, 2015 is a date that would work for both parties.

This Stipulation is entered into for the following reasons:

1. An essential witness, Officer D. Perry, for the Evidentiary Hearing is unavailable on September 2, 2015 due to mandatory police academy training in Austin, Texas.
2. The defense attorney for ROBERT BROWN does not object to the continuance.
3. The additional time requested herein is not sought for purposes of delay, but merely

1 to allow an essential witness to be available to testify at the Evidentiary Hearing.

2 4. Additionally, denial of this request for continuance could result in a miscarriage of  
3 justice. The additional time requested by this Stipulation is excusable in computing the time within  
4 which the trial herein must commence pursuant to the Speedy Trial Act, Title 18, United States  
5 Code, Sections 3161(h)(3)(A), (h)(7)(A), considering the factors under Title 18, United States Code,  
6 Section 3161(h)(7)(B)(i), (iv).  
7

8 This is the first request to continue the evidentiary hearing.

9 DATED this 7th day of August, 2015.  
10

11 RENE L. VALLADARES  
12 Federal Public Defender  
13 By: /s/ Rachel Korenblat  
14 RACHEL KORENBLAT  
15 Assistant Federal Public Defender  
16 Counsel for Defendant  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

DANIEL G. BOGDEN  
United States Attorney  
By: /s/ Alexandra Michael  
ALEXANDRA MICHAEL  
Assistant United States Attorney  
Counsel for the Plaintiff

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA**

UNITED STATES OF AMERICA,

Plaintiff,

VS.

ROBERT BROWN,

Defendant.

2:15-cr-00053-LRH-VCF-1

## FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER

## FINDINGS OF FACT

Based on the pending Stipulation of counsel, and good cause appearing therefore, the Court finds that:

1. An essential witness, Officer D. Perry, for the Evidentiary Hearing is unavailable on September 2, 2015 due to mandatory police academy training in Austin, Texas.

2. The defense attorney for ROBERT BROWN does not object to the continuance.

3. The additional time requested herein is not sought for purposes of delay, but merely to allow an essential witness to be available to testify at the Evidentiary Hearing.

4. Additionally, denial of this request for continuance could result in a miscarriage of justice. The additional time requested by this Stipulation is excusable in computing the time within which the trial herein must commence pursuant to the Speedy Trial Act, Title 18, United States Code, Sections 3161(h)(3)(A), (h)(7)(A), considering the factors under Title 18, United States Code, Section 3161(h)(7)(B)(i), (iv).

## CONCLUSIONS OF LAW

The ends of justice served by granting said continuance outweigh the best interest of the public and the defendant in a speedy trial, since the failure to grant said continuance would be likely

1 to result in a miscarriage of justice, would deny the parties herein sufficient time and the opportunity  
2 within which to be able to effectively and thoroughly prepare for trial, taking into account the  
3 exercise of due diligence.

4 The continuance sought herein is excusable under the Speedy Trial Act, title 18, United  
5 States Code, Sections 3161(h)(3)(A), (h)(7)(A), when the considering the factors under Title 18,  
6 United StatesCode, § 3161(h)(7)(B)(i), (iv).

8 **ORDER**

9 IT IS FURTHER ORDERED that the Evidentiary Hearing currently scheduled for  
10 September 2, 2015 at 10:00 a.m., be vacated and continued to 1:00 p.m., September 3,  
11 2015, in courtroom 3D.

DATED 7th day of August, 2015.

12   
13 \_\_\_\_\_

14 CAM FERENBACH  
15 UNITED STATES MAGISTRATE JUDGE  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28